

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HAROLD STULTS,

Defendant.

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8:07CR199

ORDER

This matter is before the court on the motion to continue by defendant Harold Stults (Stults) (Filing No. 45). Stults seeks a continuance of forty-five days of the trial of this matter which is scheduled for March 17, 2008. Stults has previously submitted an affidavit wherein he represents that he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 43). Stults's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Stults's motion to continue trial (Filing No. 45) is granted.
2. Trial of this matter is re-scheduled for **April 28, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 10, 2008 and April 28, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 10th day of March, 2008.

BY THE COURT:

s /Thomas D. Thalken
United States Magistrate Judge